



*ABC v. Brunner*, No. 1:04-cv-750, 2008 U.S. Dist. LEXIS 119364, at \*18-19 (S.D. Ohio Sept. 30, 2008) (refusing to impose arbitrary limit on time spent litigating attorneys' fees award where the federal agency's "impenitent strategy" resulted in voluminous hours spent on the case, and finding that Plaintiffs should not be punished for responding to such litigation strategy with the "fervor and diligence necessary to ethically advocate").

In support of this Supplement, the Plaintiff relies on the following documents:

Exhibit 1: Declaration of Attorney Jennifer Morton;

Exhibit 1-A: Supplemental Statement of Services by Attorney Jennifer Morton;

Exhibit 1-B: Supplemental Statement of Services by Legal Assistant Cheryl Mahaffy,  
and Statement of Services by Legal Assistant Leena Juwaid;

Exhibit 1-C: Receipt for additional expense;

Exhibit 2: Declaration of Attorney Maha M. Ayeshe;

Exhibit 2-A: Supplemental Statement of Services by Attorney Maha Ayeshe.

Plaintiff incorporates by reference her initial Motion for Award of Attorneys' Fees and Costs and related Memorandum of Law [Docs. 130, 132], her reply to Defendant's response in opposition to that motion [Doc. 147], and all supporting declarations and exhibits.

For the Court's convenience, the requested attorneys' fees and expenses are summarized in full below. In preparing this summary, Plaintiff calculates fees based on hourly rates of \$400 for Attorney Morton and \$300 for Attorney Ayeshe. Plaintiff's initial motion for award of attorneys' fees filed on 11/19/18 identified a reasonable range of hourly rates up to \$400 for Ms. Morton and \$300 for Ms. Ayeshe, based on supporting declarations and other evidence, as well as this Court's prior awards. For the reasons summarized in Plaintiff's Reply to Defendant's

Response to Motion for Award of Fees and Costs, specifically PageID ##7118-7120, Plaintiff amends her initial motion to clarify that she is requesting the rates of \$400 for Morton and \$300 for Ayesh as appropriate under the facts of this case.

As the prevailing party, Ms. Almanza moves for fees and costs as follows:

**Attorney/Legal Staff Fees:**

|   | Time Billed (hours) | Hourly Rate Requested | Amount of Fees Requested |
|---|---------------------|-----------------------|--------------------------|
| <b>Attorney Jennifer B Morton:</b>        |                     |                       |                          |
| Initial Motion for Fees                   | 1952.01             | \$400                 | \$780,804.00             |
| Supplemental Motion for Fees              | 170 <sup>2</sup>    | \$400                 | \$68,000.00              |
| <b>Attorney Maha M. Ayesh:</b>            |                     |                       |                          |
| Initial Motion for Fees                   | 813.10              | \$300                 | \$243,900.00             |
| Supplemental Motion for Fees              | 84.22               | \$300                 | \$25,255.00              |
| <b>Senior Legal Assistants/Law Clerk:</b> |                     |                       |                          |
| Initial Motion for Fees                   | 191.45 <sup>3</sup> | \$100                 | \$19,145.00              |
| Supplemental Motion for Fees              | .70                 | \$100                 | \$70.00                  |
| <b>Junior Legal Assistants:</b>           |                     |                       |                          |
| Initial Motion for Fees                   | 69.25               | \$50                  | \$3,462.50               |
| Supplemental Motion for Fees              | 13.10               | \$50                  | \$655.00                 |

<sup>2</sup> Attorney Morton has reduced her time sought in this supplemental motion in order to facilitate this Court's resolution of this case. See Morton Declaration ¶ 6.

<sup>3</sup> As Defendant pointed out in Exhibit A to its Response brief (Doc. 138, PageID #6636), Plaintiff reported in her initial motion that the total legal assistant and law clerk time was 159.8 hours. That figure was the total just for Ms. Mahaffy and Ms. Collins, and Plaintiff mistakenly failed to include law clerk Kevin Morris's time, although a detailed statement of Mr. Morris' time spent on the case was included in the exhibits to the motion. (See Doc. 130-3, PageID ##6434-35.) 191.45 hours is the total for the two senior legal assistants, Ms. Mahaffy and Ms. Collins, and law clerk Mr. Morris.

|                                    |  |  |                |
|------------------------------------|--|--|----------------|
| <b><u>Total fees requested</u></b> |  |  | \$1,141,291.50 |
|------------------------------------|--|--|----------------|

**Expenses:**

|  |             |
|--|-------------|
| Initial Motion for Fees                | \$16,753.81 |
| Supplemental Motion for Fees           | \$65.40     |
| <b><u>Total expenses requested</u></b> | \$16,819.21 |

**TOTAL FEES AND COSTS REQUESTED: \$1,158,110.71**

Respectfully submitted this 28<sup>th</sup> day of March 2019.

s/ Jennifer B. Morton  
Jennifer B. Morton, BPR #015585  
Maha M. Ayesh, BPR #025244  
JENNIFER MORTON LAW, PLLC  
8217 Pickens Gap Road  
Knoxville, TN 37920  
(865) 579-0708  
jen@jmortonlaw.com  
maha@jmortonlaw.com

Attorneys for Plaintiff Michelle Almanza

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 28, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access the filing through the Court's electronic filing system.

*s/ Jennifer Morton*